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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/755,136	01/09/2004	Diane Harris Boschelli	AM100169 D2	1208

25291 7590 12/28/2005

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EXAMINER

AULAKH, CHARANJIT

ART UNIT PAPER NUMBER

1625

DATE MAILED: 12/28/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>		<b>Applicant(s)</b>	
	10/755,136		BOSCHELLI ET AL.	
	<b>Examiner</b>		<b>Art Unit</b>	
	Charanjit S. Aulakh		1625	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 10 November 2005.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1, 2, 7, 10, 122, 123, 137, 138, 142 and 145 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1, 2, 7, 10, 122, 123, 137, 138, 142 and 145 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### **DETAILED ACTION**

1. According to paper filed on Nov. 10, 2005, the applicants have canceled claims 3-6, 8, 9, 11-121, 124-136, 139-141, 143 and 144 and furthermore, have amended claims 1, 7, 10, 122, 137, 138, 142 and 145.
2. Claims 1, 2, 7, 10, 122, 123, 137, 138, 142 and 145 are now pending in the application.

### ***Response to Arguments***

3. Applicant's arguments filed on Nov. 10, 2005 have been fully considered but they are not persuasive regarding enablement rejection, some indefiniteness rejections and obviousness rejection. In regard to enablement, the examiner does not agree with the applicants arguments that the specification teaches methods of testing for claimed utilities. The specification only teaches inhibition in vitro of c-Src kinase and raf kinase activity by the instant compounds. There is no teaching either in the specification or prior art references provided to show that increased activity of c-Src kinase and raf kinase is the sole mechanism responsible for the etiology of every known neoplasm, polycystic kidney disease, restenosis and osteoporosis. There is no teaching in the specification or prior art references provided to show well known utility of inhibitors of c-Src kinase and raf kinase in treating, inhibiting and/or eradicating every known neoplasm, polycystic kidney disease, restenosis and osteoporosis. In regard to indefiniteness rejections, the examiner does not agree with the applicants arguments regarding claims 10 and 122. The applicants have amended claim 10 to change the value of variable R1 to phenyl. However, according to claim 1, variable R1 can not be

phenyl group. The examiner does not agree with the applicants arguments regarding definiteness of the term---neoplasms--- since specific neoplasms are not defined. In regard to obviousness rejection, the examiner does not agree with the applicants arguments that the cited patent does not disclose a cycloalkyl substitution on A". The cited patent does disclose a carboalkyl of 2-7 carbon atoms (cycloalkyl ) substitution on A" ( see line 11 on page 40 of applicants response ).

### ***Conclusion***

4. Rejection of claims 122, 123, 137, 138, 142 and 145 under 35 U.S.C. 112, first paragraph is maintained for the reasons of record.
5. Rejection of claims 10 and 122 under 35 U.S.C. 112, second paragraph is maintained for the reasons of record.
6. Rejection of claims 1, 2, 7, 10, 122, 123, 137, 138, 142 and 145 under 35 U.S.C. 103(a) is maintained for the reasons of record.
7. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

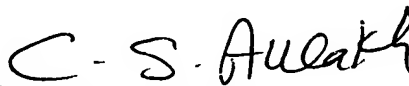
A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Charanjit S. Aulakh whose telephone number is (571)272-0678. The examiner can normally be reached on Monday through Friday, 8:30 A.M. to 5:00 P.M..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Cecilia Tsang can be reached on (571)272-0562. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
Charanjit S. Aulakh  
Primary Examiner  
Art Unit 1625